

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
AT KNOXVILLE**

CHASTITY PACTWA)
)
Plaintiff)
)
v.)
) Case No.:
)
UNITED STATES OFFICE OF)
PERSONNEL MANAGEMENT)
OFFICE OF FEDERAL EMPLOYEES')
GROUP LIFE INSURANCE and)
FEDERAL EMPLOYEES' GROUP)
LIFE INSURANCE PROGRAM)
)
Defendants.)

COMPLAINT

Comes now the Plaintiff, by and through counsel, and for causes of action would show as follows:

PARTIES

1. Plaintiff Chasity Pactwa is a citizen and resident of Scott County, Tennessee.
2. The Defendant United States Office of Personnel Management (“OPM”) is a federal entity, which administers the Federal Employees’ Group Life Insurance Program, Process may be served on the OPM at United States Office of Personnel Management, Retirement and Insurance Service, Office of Insurance Programs, P.O. Box 707, Washington, DC 20044-0707.
3. The Defendant Office of Federal Employees’ Group Life Insurance (“OFEGLI”) is a unit of Metropolitan Life Insurance Company, which pays benefits under the Federal Employees’ Group Life Insurance Program. Process may be served on the OFEGLI at 2 Montgomery Street, Jersey City, New Jersey 07302-3802.
4. The Defendant Federal Employees’ Group Life Insurance Program (“FEGLI”) is a

federal life insurance program governed by 5 U.S.C. § 8705 and regulated by 5 C.F.R. § 870. Process may be served on the FEGLI at the United States Office of Personnel Management, Retirement and Insurance Service, Office of Insurance Programs, P.O. Box 707, Washington, DC 20044-0707.

Jurisdiction and Venue

5. Plaintiff avers that this Court has jurisdiction of this matter pursuant to 5 U.S.C. §8715.

Cause of Action

6. Plaintiff seeks a judgment to declare that the Plaintiff is entitled to the life insurance benefits of her deceased husband, Michael Pactwa, under the FEGLI .

7. While an employee of the Company, Plaintiff participated in the FEGLI and originally designated his mother, Sue Logan, as the sole beneficiary.

8. Michael Pactwa and Plaintiff were married on December 29, 2005, and subsequently, Mr. Pactwa requested, executed and returned to the Human Resource Office a change of beneficiary form designating Plaintiff as sole beneficiary.

9. OFEGLI cannot locate the filed beneficiary form which designates Plaintiff as sole beneficiary.

10. Mr. Pactwa filed the correct designation form; therefore, under the terms of the FEGLI, Plaintiff is entitled to her husband's life insurance benefits.

11. The conduct of Defendants, including the defendant's negligence and breach of its duty to properly file and safeguard the forms in question violated the terms of the FEGLI by denying Plaintiff's request for a distribution of her vested interest according to the terms of the FEGLI..

12. The Plaintiff hereby requests this Court to order the FEGLI to distribute Plaintiff's vested interest in the FEGLI as required by the terms of the FEGLI plus pre-and post-judgment

interest and attorney's fees.

WHEREFORE, premises considered, the Plaintiff prays that this Court enter an Order providing as follows:

1. The Defendants be ordered to make an immediate distribution to Plaintiff of all benefits due her under FEGLI; and
2. That Plaintiff be awarded attorney's fees, costs, prejudgment, and post judgment interest and such other and further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED this ____9th____ day of May 2008.

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CERTIFICATE OF SERVICE

The is to certify that a true and exact copy of the foregoing Complaint was mailed by U.S. mail this 9th day of May, 2008.

United States Office of Personnel Management
Retirement and Insurance Service
Office of Insurance Programs
P.O. Box 707
Washington, D.C. 20044-707

Office of Federal Employees' Group Life Insurance
2 Montgomery Street
Jersey City, New Jersey 07302-3802

Dated this 9th day of May, 2008.

s/Jay E. Kohlbusch
Jay E. Kohlbusch